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SUPREME COURT, U.S.

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Docket No: 06-392

United States Supreme Court

Glenn Henderson
Plaintiff

v.

Sony Pictures Entertainment, Paul, Hastings, Janofsky, & Walker, LLP, Holly Lake, Eve Coddon, James Zapp, and Amy Dow

Petition for Rehearing on Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth District

Petition for Rehearing of Order Denying Writ of Certiorari

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Questions

1. Has the United States Supreme Court used the idea of strict scrutiny to consider classifications burdening fundamental rights and constitutional rights, such as access to the courts?
2. Does the state of California allow for sanctions against a frivolous lawsuit only if the lawsuit is made in bad faith, and if so, does that mean that the state is saying that it sees no legitimate reason or state interest in stopping lawsuits as long as the lawsuits are made in good faith?

Table of Contents

Questions.....i
Table of Authorities.....iii
Statement of the Points.....1
Attorneys of Record.....7
Certification.....8

Table of Authorities

United States Constitution.....1
1st Amendment.....1
5th Amendment.....1
14th Amendment.....1
California Civil Code Section 128.6.....4
California Civil Code of Procedure Section 391 .....
.....4,6

Statement of the Case and Points

The 1st Amendment to the United States Constitution grants the right to petition the government for redress of grievances, and the right to sue is part of the right to petition the government for redress of grievances. Taking away the right to petition the government for redress of grievances, the right to sue, the right to due process in the 5th Amendment, the right to equal protection and treatment in the 14th Amendment should require using the idea of strict scrutiny. None of my cases were frivolous in any way, all had merit, and none were made in bad faith. The reasons I filed cases in courts were:

1. Wrongful treatment and termination, defamation, harassment, discrimination and retaliation, and other wrongs by my former employer.
2. A threat about free speech made by my former employer about two e-mails I sent. One was to say to the CEO that I would like to talk about my termination and that the company should send back money that was evidently overpaid by customers. I received the threat after my second e-mail to the CEO, which stated that I did not want to talk with anyone without documentation of what was said.
3. Fraud committed by my former employer to prevent me from getting workers' compensation, retaliation by preventing me from getting a good recommendation from an employee, and to

challenge a fraudulent settlement I felt and feared I better sign.
4. Because my union would not help me much and did not even look at all my evidence or, to my knowledge, speak with my witnesses.
5. Because the EEOC would not help me much and did not look at all my evidence or, to my knowledge, speak with my witnesses.
6. Because a workers' compensation doctor defamed me and refused to look at my evidence, even after I asked.

None of these cases were frivolous or lacked merit, and all were made in good faith. I filed in state and federal courts because I thought there were both federal and state issues and because I was not really sure which court some issue belonged in. None were re-filing of determined cases except maybe the challenges to the settlement, which the law clearly stated was fine to do. I do not believe for a second that any of the lawyers, judges, or defendants thought these cases were not worth fighting for. In 1, I wanted to protect my job, career, and reputation. In 2, I wanted to assure I had my right to free speech and at least get declaratory or injunctive relief or a restraining order. In 3, I wanted medical benefits, a stop put on the continued harassment by my former employer, and to challenge a fraudulent settlement made in relation to 1. In 4, 5, and 6, I wanted these defendants to be required to do their jobs for me and for everyone. I wanted my union punished or to compensate me for

what I lost by their not helping me. In 5, I wanted declaratory and injunctive relief and was undecided if I wanted compensatory relief or how much they caused or helped cause me to lose. I did not really want any compensatory relief in 6; I only wanted declaratory and injunctive relief because the defendant was an individual and did not defame me about my job performance in court papers.

Only four of the cases were totally dismissed with prejudice. One was the federal case with the union because of a statute of limitations issue. It was because I listed the EEOC as a defendant and not the government. The other two were the state and federal cases with the workers' compensation doctor; the federal case was dismissed for lack of jurisdiction even though I believed discrimination laws covered doctors and medical offices. The state case was dismissed because a doctor's report is privileged, but there were more issues such as fraud and the doctor gave advice and I chose the doctor. I am not sure if a case dismissed because of immunity is considered a decision based on the merits. The other three were not dismissed on the merits but on procedural issues. Is Section 391 supposed to be allowed to be used on cases that were adversely determined based on the merits? It is incredibly hard to believe that the defense attorneys argued and evidently won that the settled cases were adversely determined against me. Then, I was told that I had no case when I challenged the settlement that was considered an adverse determination for me.

The state does not allow for sanctions, such as in the California Civil Code of Procedure Section 128.6, against frivolous lawsuits unless made in bad faith, so why is California Civil Code of Procedure Section 391 allowed to stand? Does that mean that the state assumes a pro per litigant must be acting in bad faith if he or she has five cases adversely determined in seven years? The section never states that the cases must be frivolous and/or brought in bad faith. Why would it be okay for a lawyer or a person or company with a lawyer to have five cases adversely determined in seven years? Is the implication that lawyers my have good reasons to bring lawsuits to court but not pro per's? For example, is it assumed a lawyer may bring a lawsuit to argue a new idea or seek a new law or seek repeal or amendment of an existing law for legitimate and useful reasons, but a pro per or person in the general public, and who is not a lawyer, could not possibly have any new or good ideas? Are lawyers' actions, ideas, or dismissed cases considered zealous advocacy but not pro per's and the general public's, and if so, why would anyone believe that? Lawyers are allowed to mislead and that is legalized fraud. It is a fine line between misleading and lying or suborning perjury or not making a good faith attempt to find out if a client is telling the truth. The courts are supposed to be for the people and not for only judges and lawyers. Did the state of California once allow for sanctions for filing a lawsuit that was ruled frivolous even if not made in bad faith, and

did the state change the law to allow for sanctions only if a frivolous lawsuit was made in bad faith, and if so, does that show that the state realized frivolous lawsuits were not bad but the acting in bad faith was the problem; did the state realize that good, such as new ideas, could come from lawsuits that were ruled frivolous and not supported by current law? A lawsuit lost by a lawyer costs just as much resources as a lawsuit lost by a pro per. I imagine legislators hear that people want lawsuit reform, but has a legislator ever heard a constituent say there should be legal reform and pro se's are the problem and not attorneys? Do legislators hear that there should be legal reform and that lawyers are the problem.

I have shown to courts that perjury was committed by someone at Sony or by an attorney for Sony. I have shown the attorneys have acted in bad faith by not making a good faith effort to see that claims made in court papers were true. They are allowed to get away with this. Defendants, their attorneys, and state court judges have acted in bad faith and in illegal ways. Judges Joe Hilberman, Roger Boren, Ronald George and the rest of the California Supreme Court are the judges I am talking about. I do not believe for a second that any of the judges or attorneys involved in this think that the 4th, 1st, and 5th Amendments were upheld. They have committed crimes as well as civil offenses. They deserve civil verdicts against them, and they deserve prison time. The attorneys acted in pro per

and violated the unconstitutional Section 391 with their tactics and motions, but that was okay with the judges. I decided I could not make a motion to use the unconstitutional Section 391 against anyone including such people as bad as the defendants' attorneys, even if a judge would allow it. I am trying to be euphemistic when I say the attorneys are bad people. As bad as these people are, I still believe everyone should have a chance to change.

My constitutional rights, civil rights, and other legal rights were violated. This kind of behavior should never be allowed in the American judicial system. The judges should be removed from office, and their decisions should be disregarded since they were not acting during good behavior as the constitution talks about. The judges and lawyers should be disbarred. Anyone who has used Section 391, written it, voted for it, or allowed its use are criminals and un-American. The section tramples all over the Constitution. I have been given the message that anyone can do anything to me, and there is not a thing I can do about it. That is very, very scary. I have become afraid to even leave home and go out in public. I want to and hope I have the courage to fight for me and all Americans as long as it takes to get justice or until the day I die or until maybe I feel or am shown I should not fight for me because religious reasons, but I am not fighting for just me. It is just so unbelievable that these events could happen in the United States judicial system. The public cannot have confidence in the courts.

Everyone should be able to seek justice within the court system.

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Certification

This petition is restricted to the grounds of intervening circumstances or to other substantial grounds not previously presented. It is presented in good faith and not for delay.